

CLOSED, KATRINA, TRANSFER

**U. S. District Court**  
**Eastern District of Louisiana (New Orleans)**  
**CIVIL DOCKET FOR CASE #: 2:07-cv-04542-ILRL-DEK**  
**Internal Use Only**

Cox Operating, L.L.C. v. St. Paul Surplus Lines Insurance  
Company  
Assigned to: Judge Ivan L. R. Lemelle  
Referred to: Magistrate Judge Daniel E. Knowles, III  
Cause: 28:1332 Marine Personal Injury

Date Filed: 08/27/2007  
Date Terminated: 04/30/2008  
Jury Demand: Plaintiff  
Nature of Suit: 110 Insurance  
Jurisdiction: Diversity

**Plaintiff**

**Cox Operating, L.L.C.**

represented by **Steven W. Copley**  
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V.

**Defendant**

**St. Paul Surplus Lines Insurance  
Company**

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Date Filed	#	Docket Text
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08/27/2007	<u>1</u>	COMPLAINT with Jury Demand against St. Paul Surplus Lines Insurance Company (Filing fee \$ 350.) filed by Cox Operating, L.L.C. (Attachments: # <u>1</u> Civil Cover Sheet)(rll, ) (Entered: 08/28/2007)
08/27/2007	<u>2</u>	Summons Issued as to St. Paul Surplus Lines Insurance Company. (rll, ) (Entered: 08/28/2007)
08/28/2007	<u>3</u>	SUMMONS Returned Executed; St. Paul Surplus Lines Insurance Company served on 8/28/2007, answer due 9/17/2007. (Hayne, C.) (Entered: 08/28/2007)
08/28/2007	<u>4</u>	Statement of Corporate Disclosure by Cox Operating, L.L.C. identifying Phoenix Petro Services LLC as Corporate Parent. (Hayne, C.) (Entered: 08/28/2007)
08/31/2007	<u>5</u>	OBJECTIONS by Cox Operating, L.L.C. to <i>Defendant's Motion for Extension of Time in Which to Answer or Otherwise Plead</i> . (Van Deerlin, Abaigeal) (Entered: 08/31/2007)
09/27/2007	<u>6</u>	EXPARTE/CONSENT MOTION for Extension of Time to Answer <i>Pleadings to Plaintiff's Complaint</i> by St. Paul Surplus Lines Insurance Company. (Attachments: # <u>1</u> Proposed Order)(Rennell, Stephanie) (Entered: 09/27/2007)
09/28/2007	<u>7</u>	Correction of Docket Entry by Clerk re <u>6</u> MOTION for Extension of Time to Answer <i>Pleadings to Plaintiff's Complaint</i> ; Name of attorney who electronically filed this document does not match name of signatory attorney on pleading. The user login and password serve as the required signature for purposes of Rule 11 of the FRCP. No further action is necessary for this pleading. (lag, ) (Entered: 09/28/2007)
10/04/2007	<u>8</u>	ORDER granting <u>6</u> Motion for Extension of Time to Answer as to St. Paul Surplus Lines Insurance Company answer due 10/29/2007.. Signed by Judge Ivan L. R. Lemelle on 9/30/07. (lag, ) (Entered: 10/04/2007)
10/29/2007	<u>9</u>	DEFICIENT MOTION to Transfer Case <i>and Alternatively Motion to Dismiss or Stay Proceedings</i> by St. Paul Surplus Lines Insurance Company. Motion Hearing set for 11/30/2007 09:00 AM before Judge Ivan L. R. Lemelle. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit C# <u>5</u> Exhibit D# <u>6</u> Exhibit D# <u>7</u> Exhibit E# <u>8</u> Exhibit F# <u>9</u> Exhibit G# <u>10</u> Proposed Order)(Blanchard, Wendy) Modified on 10/30/2007 (lag, ). (Entered: 10/29/2007)
10/29/2007	<u>10</u>	EXPARTE/CONSENT MOTION to Appear Pro Hac Vice (Filing fee \$5.00 PAID) by St. Paul Surplus Lines Insurance Company. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Proposed Order)(Blanchard, Wendy) Modified on 10/30/2007 (lag, ). Modified on 11/19/2007 (lag, ). (Entered: 10/29/2007)
10/29/2007	<u>11</u>	DEFICIENT MOTION to Transfer Case <i>and Alternatively Motion to Dismiss or Stay Proceedings</i> by St. Paul Surplus Lines Insurance Company. Motion Hearing set for 11/13/2007 09:00 AM before Judge

		Ivan L. R. Lemelle. (Attachments: # <u>1</u> Memorandum in Support # <u>2</u> Exhibit A# <u>3</u> Exhibit B# <u>4</u> Exhibit C-1# <u>5</u> Exhibit C-2# <u>6</u> Exhibit D-1# <u>7</u> Exhibit D-2# <u>8</u> Exhibit E# <u>9</u> Exhibit F# <u>10</u> Exhibit G# <u>11</u> Proposed Order)(Blanchard, Wendy) Modified on 10/30/2007 (lag, ). (Entered: 10/29/2007)
10/29/2007	12	DEFICIENT MOTION to Transfer Case <i>and Alternatively Motion to Dismiss or Stay Proceedings</i> by St. Paul Surplus Lines Insurance Company. Motion Hearing set for 11/13/2007 09:00 AM before Judge Ivan L. R. Lemelle. (Attachments: # <u>1</u> Notice of Hearing)(Blanchard, Wendy) Modified on 10/30/2007 (lag, ). (Entered: 10/29/2007)
10/29/2007	13	Request/Statement of Oral Argument by St. Paul Surplus Lines Insurance Company regarding <u>11</u> MOTION to Transfer Case <i>and Alternatively Motion to Dismiss or Stay Proceedings</i> . (Blanchard, Wendy) (Entered: 10/29/2007)
10/29/2007	14	<i>Defendant's St. Paul Surplus Lines Insurance Company's ANSWER to Complaint Subject to Defendant St. Paul's Motion to Transfer Venue and Alternatively Motion to Dismiss or Stay Proceedings</i> by St. Paul Surplus Lines Insurance Company.(Blanchard, Wendy) (Entered: 10/29/2007)
10/30/2007		NOTICE OF DEFICIENT DOCUMENT: re <u>9</u> Motion to Transfer Case,. Reason(s) of deficiency: Memorandum or Notice of Hearing not provided. For corrective information, see section(s) D12 on <a href="http://www.laed.uscourts.gov/cmecf/Deficiency/deficiency.htm">http://www.laed.uscourts.gov/cmecf/Deficiency/deficiency.htm</a> <b>Attention: Document must be refiled in its entirety within five (5) working days. Otherwise, it may be stricken by the court without further notice. Deficiency remedy due by 11/6/2007.</b> (lag, ) (Entered: 10/30/2007)
10/30/2007	15	Correction of Docket Entry by Clerk re <u>10</u> MOTION to Appear Pro Hac Vice ; Motion should be designated "Exparte/Consent" by selecting "yes" when prompted. ALSO, proposed order was incorrectly described. Corrective action taken by clerk. (lag, ) (Entered: 10/30/2007)
10/30/2007		NOTICE OF DEFICIENT DOCUMENT: re <u>11</u> Motion to Transfer Case,. Reason(s) of deficiency: Notice of Hearing not provided. ALSO, Motion entry was not set for valid hearing date. Check our website, <a href="http://www.laed.uscourts.gov">www.laed.uscourts.gov</a> , for motion hearing dates. For corrective information, see section(s) D12 on <a href="http://www.laed.uscourts.gov/cmecf/Deficiency/deficiency.htm">http://www.laed.uscourts.gov/cmecf/Deficiency/deficiency.htm</a> <b>Attention: Document must be refiled in its entirety within five (5) working days. Otherwise, it may be stricken by the court without further notice. Deficiency remedy due by 11/6/2007.</b> (lag, ) (Entered: 10/30/2007)
10/30/2007		NOTICE OF DEFICIENT DOCUMENT: re <u>12</u> Motion to Transfer Case,. Reason(s) of deficiency: Memorandum or Notice of Hearing not provided. For corrective information, see section(s) D12 on <a href="http://www.laed.uscourts.gov/cmecf/Deficiency/deficiency.htm">http://www.laed.uscourts.gov/cmecf/Deficiency/deficiency.htm</a>

		<b>Attention: Document must be refiled in its entirety within five (5) working days. Otherwise, it may be stricken by the court without further notice. Deficiency remedy due by 11/6/2007.</b> (lag, ) (Entered: 10/30/2007)
10/30/2007	●	(Court only) ***Motions terminated: <u>9</u> MOTION to Transfer Case <i>and Alternatively Motion to Dismiss or Stay Proceedings</i> filed by St. Paul Surplus Lines Insurance Company, <u>12</u> MOTION to Transfer Case <i>and Alternatively Motion to Dismiss or Stay Proceedings</i> filed by St. Paul Surplus Lines Insurance Company, <u>11</u> MOTION to Transfer Case <i>and Alternatively Motion to Dismiss or Stay Proceedings</i> filed by St. Paul Surplus Lines Insurance Company. (lag, ) (Entered: 10/30/2007)
11/05/2007	● <u>16</u>	MOTION to Transfer Case <i>and Alternatively Motion to Dismiss or Stay Proceedings</i> by St. Paul Surplus Lines Insurance Company. Motion Hearing set for 11/28/2007 09:00 AM before Judge Ivan L. R. Lemelle. (Attachments: # <u>1</u> Memorandum in Support # <u>2</u> Exhibit A# <u>3</u> Exhibit B# <u>4</u> Exhibit C-1# <u>5</u> Exhibit C-2# <u>6</u> Exhibit D-1# <u>7</u> Exhibit D-2# <u>8</u> Exhibit E# <u>9</u> Exhibit F# <u>10</u> Exhibit G# <u>11</u> Proposed Order # <u>12</u> Notice of Hearing)(Blanchard, Wendy) (Entered: 11/05/2007)
11/05/2007	● <u>17</u>	ERROR: Request/Statement of Oral Argument by St. Paul Surplus Lines Insurance Company regarding <u>16</u> MOTION to Transfer Case <i>and Alternatively Motion to Dismiss or Stay Proceedings</i> . (Blanchard, Wendy) Modified on 11/6/2007 (lag, ). (Entered: 11/05/2007)
11/05/2007	● <u>18</u>	ERROR: DUPLICATE ENTRY - MOTION to Transfer Case <i>and Alternatively Motion to Dismiss or Stay Proceedings</i> by St. Paul Surplus Lines Insurance Company. Motion Hearing set for 11/28/2007 09:00 AM before Judge Ivan L. R. Lemelle. (Attachments: # <u>1</u> Memorandum in Support # <u>2</u> Exhibit A# <u>3</u> Exhibit B# <u>4</u> Exhibit C-1# <u>5</u> Exhibit C-2# <u>6</u> Exhibit D-1# <u>7</u> Exhibit D-2# <u>8</u> Exhibit E# <u>9</u> Exhibit F# <u>10</u> Exhibit G# <u>11</u> Proposed Order # <u>12</u> Notice of Hearing)(Blanchard, Wendy) Modified on 11/6/2007 (lag, ). (Entered: 11/05/2007)
11/05/2007	● <u>19</u>	Request/Statement of Oral Argument by St. Paul Surplus Lines Insurance Company regarding <u>16</u> MOTION to Transfer Case <i>and Alternatively Motion to Dismiss or Stay Proceedings</i> . (Blanchard, Wendy) Modified on 11/6/2007 (lag, ). (Entered: 11/05/2007)
11/05/2007	●	(Court only) DEFICIENT FILING DEADLINE TERMINATED : re <u>12</u> Motion to Transfer Case, <u>9</u> Motion to Transfer Case, <u>11</u> Motion to Transfer Case,. (lag, ) (Entered: 11/06/2007)
11/06/2007	● <u>20</u>	Correction of Docket Entry by Clerk re <u>17</u> Request/Statement of Oral Argument; Document contained incorrect date on pleading. DOCUMENT WAS RE-FILED BY ATTORNEY, SEE DOC. NO. 19. (lag, ) (Entered: 11/06/2007)
11/06/2007	● <u>21</u>	Correction of Docket Entry by Clerk re <u>18</u> MOTION to Transfer Case <i>and Alternatively Motion to Dismiss or Stay Proceedings</i> ; Motion filed in



		duplicate; See doc. no. 16. (lag, ) (Entered: 11/06/2007)
11/06/2007	●	(Court only) ***Motions terminated: <u>18</u> MOTION to Transfer Case <i>and Alternatively Motion to Dismiss or Stay Proceedings</i> filed by St. Paul Surplus Lines Insurance Company. (lag, ) (Entered: 11/06/2007)
11/14/2007	● <u>22</u>	Statement of Corporate Disclosure by St. Paul Surplus Lines Insurance Company. (Blanchard, Wendy) (Entered: 11/14/2007)
11/15/2007	● <u>23</u>	ORDER denying <u>19</u> Request/Statement of Oral Argument filed by St. Paul Surplus Lines Insurance Company. Signed by Judge Ivan L. R. Lemelle on 11/13/07.(lag, ) (Entered: 11/15/2007)
11/19/2007	● <u>24</u>	Letter to Court from Colleen Austin dated 11/15/07 requesting removal of court noticing to Stephanie Rennell. (lag, ) (Entered: 11/20/2007)
11/20/2007	● <u>25</u>	RESPONSE/MEMORANDUM in Opposition filed by Cox Operating, L.L.C. re <u>16</u> MOTION to Transfer Case <i>and Alternatively Motion to Dismiss or Stay Proceedings</i> . (Attachments: # <u>1</u> Exhibit A (Decl of Brad Cox)# <u>2</u> Exhibit B (Decl of Lora Bolger)# <u>3</u> Exhibit 1 pt 1 of Bolger Decl# <u>4</u> Exhibit 1 pt 2 to Bolger Decl# <u>5</u> Exhibit 1 pt 3 of Bolger Decl# <u>6</u> Exhibit 2 pt 1 of Bolger Decl# <u>7</u> Exhibit 2 pt 2 of Bolger Decl# <u>8</u> Exhibit 3 to Bolger Decl# <u>9</u> Exhibit 4 to Bolger Decl# <u>10</u> Exhibit 5 to Bolger Decl# <u>11</u> Exhibit 6 to Bolger Decl# <u>12</u> Exhibit C (Decl of Peck Hayne)# <u>13</u> Exhibit D (Decl of Tim Morrison))(Hayne, C.) (Entered: 11/20/2007)
11/28/2007	● <u>26</u>	EXPARTE/CONSENT Consent MOTION for Leave to File <i>Reply and Incorporated Memorandum in Support</i> by St. Paul Surplus Lines Insurance Company. (Attachments: # <u>1</u> Proposed Order # <u>2</u> Proposed Pleading Defendant St. Paul's Memorandum in Opposition of Defendant's Motion to Transfer Venue or Alternatively to Dismiss or Stay# <u>3</u> Exhibit Exhibit A to Reply Memorandum# <u>4</u> Exhibit Exhibit B to Reply Memorandum# <u>5</u> Exhibit Exhibit C to Reply Memorandum# <u>6</u> Exhibit Exhibit D to Reply Memorandum# <u>7</u> Exhibit Exhibit E to Reply Memorandum# <u>8</u> Exhibit Exhibit F to Reply Memorandum# <u>9</u> Exhibit Exhibit G to Reply Memorandum# <u>10</u> Exhibit Exhibit H to Reply Memorandum# <u>11</u> Exhibit Exhibit I to Reply Memorandum# <u>12</u> Exhibit Exhibit J to Reply Memorandum# <u>13</u> Exhibit Exhibit K to Reply Memorandum# <u>14</u> Exhibit Exhibit L to Reply Memorandum# <u>15</u> Exhibit Exhibit M to Reply Memorandum# <u>16</u> Exhibit Exhibit N to Reply Memorandum# <u>17</u> Exhibit Exhibit O to Reply Memorandum# <u>18</u> Exhibit Exhibit P to Reply Memorandum)(Blanchard, Wendy) (Entered: 11/28/2007)
11/28/2007	● <u>27</u>	EXPARTE/CONSENT MOTION for Leave to File <i>Surreply</i> by Cox Operating, L.L.C.. (Attachments: # <u>1</u> Proposed Order Granting Leave to File Surreply# <u>2</u> Proposed Pleading Surreply in Opposition to Defendant's Motion to Transfer, Dismiss or Stay# <u>3</u> Exhibit to Surreply (part 1)# <u>4</u> Exhibit to Surreply (part 2))(Hayne, C.) (Entered: 11/28/2007)

12/04/2007	<u>28</u>	ORDER granting <u>26</u> Motion for Leave to File reply. Signed by Judge Ivan L. R. Lemelle on 11/30/07. (lag, ) (Entered: 12/05/2007)
12/04/2007	<u>29</u>	REPLY to Response to Motion filed by St. Paul Surplus Lines Insurance Company re <u>16</u> MOTION to Transfer Case <i>and Alternatively Motion to Dismiss or Stay Proceedings</i> . (Attachments: # <u>1</u> Exhibits A - P)(lag, ) (Entered: 12/05/2007)
12/04/2007	<u>30</u>	ORDER granting <u>27</u> Motion for Leave to File Surreply. Signed by Judge Ivan L. R. Lemelle on 11/30/07. (lag, ) (Entered: 12/05/2007)
12/04/2007	<u>31</u>	Supplemental Memorandum filed by Cox Operating, L.L.C., in Opposition of <u>16</u> MOTION to Transfer Case <i>and Alternatively Motion to Dismiss or Stay Proceedings</i> . (Attachments: # <u>1</u> Exhibit Part 1# <u>2</u> Exhibit Part 2)(lag, ) (Entered: 12/05/2007)
12/07/2007	<u>32</u>	ORDER granting <u>10</u> Motion to Appear Pro Hac Vice as to Erik D. Garza.. Signed by Judge Ivan L. R. Lemelle on 12/6/07. (lag, ) (Entered: 12/07/2007)
12/10/2007	<u>33</u>	ORDER and REASONS denying <u>16</u> Motion to Transfer Case. IT IS FURTHER ORDERED that Defendant's Alternative Motion to Stay is GRANTED. IT FURTHERED ORDERED that Defendant's Alternative Motion to Dismiss is DENIED. Signed by Judge Ivan L. R. Lemelle on 12/6/2007. (cms, ) (Entered: 12/10/2007)
03/25/2008	<u>34</u>	NOTICE:Scheduling Conference set for 4/3/2008 11:00 AM before courtroom deputy by telephone, by Clerk.(bjj) (Entered: 03/25/2008)
04/28/2008	<u>35</u>	EXPARTE/CONSENT MOTION lift stay issued 12/06/2007 [R.Doc.33] and transfer action to Southern District of Texas by Cox Operating, L.L.C.. (Attachments: # <u>1</u> Proposed Order lifting stay and transferring action to S.D.Tex.# <u>2</u> Memorandum in Support)(Hayne, C.) (Entered: 04/28/2008)
04/30/2008	<u>36</u>	ORDER that Stay is Lifted and Case is transferred to District of Southern Texas. Electronic file, certified copy of transfer order, and docket sheet sent.. Signed by Judge Ivan L. R. Lemelle on 4/29/08.(lag, ) (Entered: 04/30/2008)